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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2004-64122

JOEL PETER LAMBEL
2050 Calle Pacifica
Tucson, Arizona 85745

A C C U S A T I O N

Physical Therapy Assistant No. AT 4592

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about December 13, 1996, the Physical Therapy Board of California issued Physical Therapy Assistant Number AT 4592 to Joel Peter Lambel (Respondent). The Physical Therapy Assistant was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2008, unless renewed.

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4. Section 2660 of the Code states in relevant part:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions, or issue a public reprimand, upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

5. Section 118, subdivision (b), of the Code provides that the expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1 7. Section 2661.5 of the Code states:

2 (a) In any order issued in resolution of a disciplinary proceeding before
3 the board, the board may request the administrative law judge to direct any
4 licensee found guilty of unprofessional conduct to pay to the board a sum not to
5 exceed the actual and reasonable costs of the investigation and prosecution of the
6 case.

7 (b) The costs to be assessed shall be fixed by the administrative law judge
8 and shall not in any event be increased by the board. When the board does not
9 adopt a proposed decision and remands the case to an administrative law judge,
10 the administrative law judge shall not increase the amount of the assessed costs
11 specified in the proposed decision.

12 (c) When the payment directed in an order for payment of costs is not
13 made by the licensee, the board may enforce the order of payment by bringing an
14 action in any appropriate court. This right of enforcement shall be in addition to
15 any other rights the board may have as to any licensee directed to pay costs.

16 (d) In any judicial action for the recovery of costs, proof of the board's
17 decision shall be conclusive proof of the validity of the order of payment and the
18 terms for payment.

19 (e) (1) Except as provided in paragraph (2), the board shall not renew
20 or reinstate the license or approval of any person who has failed to
21 pay all of the costs ordered under this section.

22 (2) Notwithstanding paragraph (1), the board may, in its
23 discretion, conditionally renew or reinstate for a maximum of one
24 year the license or approval of any person who demonstrates
25 financial hardship and who enters into a formal agreement with the
26 board to reimburse the board within that one year period for those
27 unpaid costs.

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1 (f) All costs recovered under this section shall be deposited in the
2 Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually
3 recovered or the previous fiscal year, as the board may direct.

4 CAUSE FOR DISCIPLINE
5 (Conviction of a Crime)
6 [Bus. & Prof. Code Section 2660 (d)]

7 8. Respondent is subject to disciplinary action under section 2660 (d) of the
8 Code in that he was convicted of violating Penal Code section 647 (A), disorderly conduct--
9 soliciting a lewd act, a misdemeanor. The circumstances are as follows:

10 9. On or about August 19, 2003, In the Superior Court of California for the
11 County of Sacramento, Case No. 03m07821, respondent pled "Nolo Contendere" to violating
12 Penal Code section 647 (A), a misdemeanor, on a charge of disorderly conduct--soliciting a lewd
13 act, and was sentenced to 60 hours community service and a 3 year term of informal probation.

14 10. Respondent's plea and conviction described in paragraph 9, above,
15 constitutes conviction of a crime substantially related to the qualifications, functions or duties of
16 a Physical Therapy Assistant subject to discipline within the meaning of section 2660 (d) of the
17 Code.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Physical Therapy Board of California issue a
4 decision:

5 1. Revoking or suspending Physical Therapy Assistant Number AT 4592,
6 issued to Joel Peter Lambel;

7 2. Ordering Joel Peter Lambel to pay the Physical Therapy Board of
8 California the reasonable costs of the investigation and enforcement of this case, pursuant to
9 Business and Professions Code section 2661.3;

10 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: May 15, 2006

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14 Original Signed By:
15 STEVEN K. HARTZELL
16 Executive Officer
17 Physical Therapy Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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SMB-April 17, 2006